

Planning Commission
Staff Report
December 7, 2006



Case: 9-33-06V / **Change In Zoning**
Project Name: Grey Ledge
Location: 102, 104, 106 N. Beckley Station Rd. /
14006 14011 Shelbyville Rd.

Owner/Applicant: Donald & Nancy Lorenz
William Roederer
Robert & Mary Williams

Representative: Bill Bardenwerper

Engineer/Designer: Land Design & Development

Project Size/Area: 6.1 Acres
Form District: Neighborhood
Zoning District: R-4

Jurisdiction: Louisville Metro
Council District: 19 – Hal Heiner

Case Manager: Latondra Jones, Planner II

Request

Change in zoning from R-4 to R-5A for construction of 36 units on 6.1 acres.

Variance to allow encroachment of the proposed structures into the required 20-foot front yards along the access easement to adjoining properties.

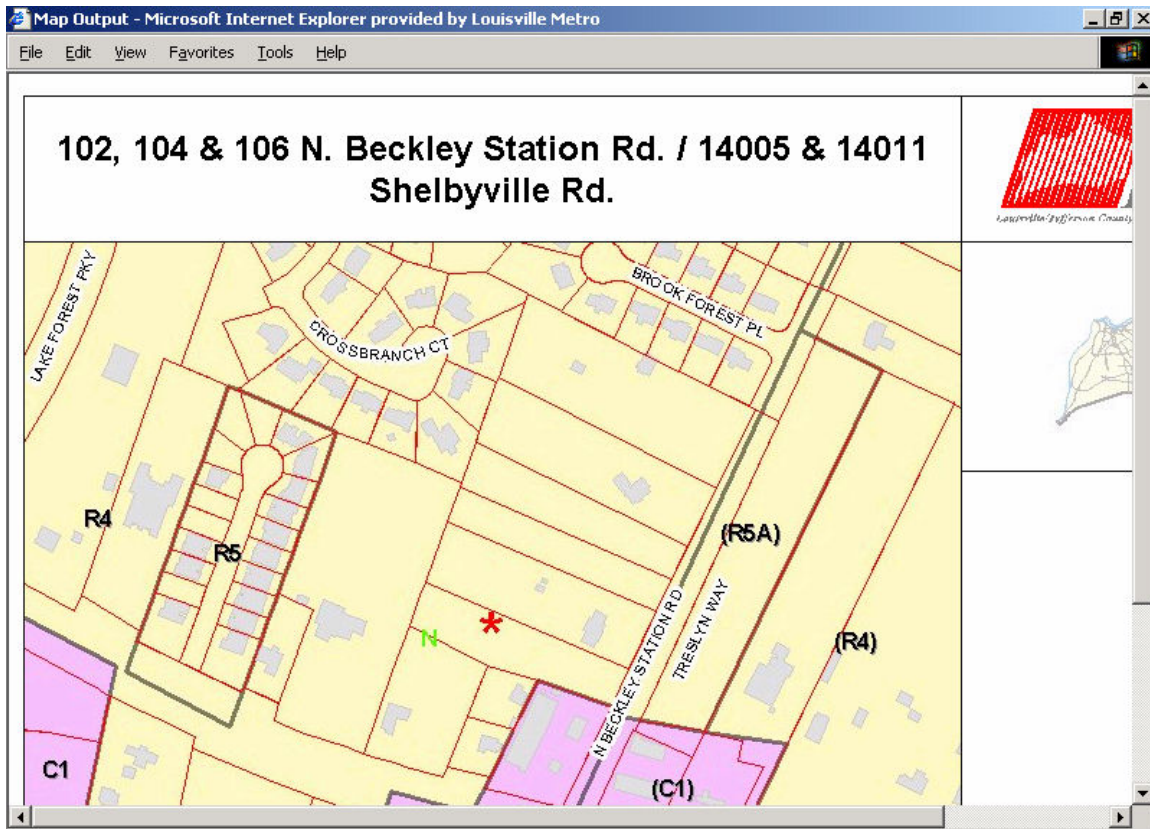
Staff Recommendation

Staff recommends **approval** of the change in zoning.

Staff recommends **denial** of the variance request.

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Case Summary / Background

Summary

Ten, two-story condominium units, a total of 36 units, are proposed on 6.1 acres. The proposed density is 5.9 dwelling units per acre, which is below the maximum density of 12.01 du./ac. allowed in the R-5A zoning district. The proposed buildings will be 2-story, 35-ft. tall. The applicant has provided renderings of the proposed buildings that meet building and site design requirements. The building materials will include brick and stone, hardy plank, and other materials.

Five-foot sidewalks are proposed along N. Beckley Station and Shelbyville Roads. A 10-ft. verge is proposed along N. Beckley Station Rd. and a 12-ft. verge is proposed along Shelbyville Rd. Right-of-way will be dedicated along N. Beckley Station Rd. for a total of 40 ft. of right-of-way to centerline. Right-of-way will be dedicated to Shelbyville Rd. for a total of 65 ft. of right-of-way to centerline. Shelbyville Rd. is a designated parkway. The development is observing the required 50-ft. parkway buffer requirement.

To meet the 15% open space requirement, half of which must be recreational, 47,118 sf. of the site is designated as open space: there are open space areas along Shelbyville Rd and in the detention basin in the north corner of the site and three recreational open space areas, to include a playground and picnic areas. To meet the 20% tree canopy requirement, 60 large (Type A) trees are proposed

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on site. There is also a Tree Canopy Protection Area designated along Shelbyville Rd. Tree canopy calculations are on plan. The required 15-ft. property perimeter LBAs are provided to the north and west, adjacent to R-4 property.

Sixty-four parking spaces are proposed, which is between the minimum required 54 and maximum 108 spaces.

SITE INSPECTION COMMITTEE REPORT

Landscape around detention area.

Enhance landscape along south property line, fence provided?

Land use and form district seem appropriate.

What does recreational open space provide?

How do you get to front doors and recreational area?

Move dumpster from entrance.

Variances

| Location | Requirement | Request | Variance |
|----------------------|--------------------|----------------|-----------------|
| Front setback | 20' | 18' | 2' |

Site Context

The site is located at the northwest corner of the intersection of Shelbyville Rd. and N. Beckley Station Rd., in the area of an activity center close to Landis Lakes Subdivision. There are several residential subdivisions in the area: Lake Forest, Beckley Woods, Copperfield and English Station. The site is zoned R-4 and in the Neighborhood Form District. To the north and west is also R-4 zoned property in the Neighborhood Form District. To the south, across Shelbyville Rd. is C-1 zoned property at the intersection of N. Beckley Station and Shelbyville Rd. and R-4 property. To the east, across N. Beckley Station Rd. is C-1 zoned property and R-4.

Land Use / Zoning District / Form District

| | Land Use | Zoning | Form District |
|--------------------|-------------------------------|---------------|----------------------|
| Subject | | | |
| Existing | Vacant | R-4 | Neighborhood |
| Proposed | Multi-family residential | R-5A | Neighborhood |
| Surrounding | | | |
| North | Single-family residential | R-4 | Neighborhood |
| South | Commercial (southeast corner) | C-1 | Neighborhood |
| East | Commercial | C-1 | Neighborhood |
| West | Single-family residential | R-4 | Neighborhood |

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Background

None

Project History

| Project History | Date | Issues addressed / discussion / changes to proposal |
|---------------------------|-------------|--|
| Pre-application meeting | 5/31/06 | |
| Project submittal | 6/26/06 | |
| Staff review | 7/12/06 | LDC/Comp. Plan/Inter-agency review |
| Revision submittal #1 | 8/15/05 | Revised plans per agency comments |
| Site Inspection Committee | TBD | |
| LD&T review | 10/12/06 | |
| Revision submittal #2 | 9/1/06 | Revised plans per agency comments |
| Public hearing (previous) | N/A | |
| BOZA (previous) | N/A | |

Note: The following information represents staff analysis of the subject property with respect to site inspection/observation, sound planning practices, and adopted policies and regulations of the jurisdiction. Materials submitted by the applicant or their representative prior to the deadline for filing information related to cases docketed for this hearing were reviewed and specifically applied in the staff review of this request. The board is advised to consider this staff report as well as new information introduced at the hearing in formulating their decision.

Staff Findings***Relationship to Comprehensive Plan - Cornerstone 2020 Plan Elements:***

Community Form – The plan meets the Neighborhood Form Guideline (1.B.3.), which is characterized by predominantly residential uses that vary from low to high density that blend compatibly into the exiting landscape and neighborhood areas. The plan meets Guidelines 3.1 (Compatibility), 3.2 (Consideration of building materials), 3.3 (Residential Compatibility) and 3.7 (Noise) and 3.9 (Visual Impacts) because the proposed buildings meet building and site design standards, the building materials are compatible with residential structures in the surrounding area, the required buffering and setbacks are being provided where adjacent to surrounding properties.

The plan meets Guidelines 3.10 (Variety of Housing Types), 3.11 (Higher Density in Appropriate Areas), 3.12 (Accessibility), 3.13 (Location of Housing for Elderly and People With Disabilities) and 3.15 (Design of Appropriate/Inclusive Housing)

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because the proposed multi-family development is in an area that is predominantly single-family residential and handicapped units and parking are provided. The plan meets Guidelines 4.1 (Design of Open Space), 4.3 (Outdoor Recreation), 4.4 (Consistent With Pattern of Development), 4.6 (Open Space Requirement) and 4.7 (Maintenance of Open Space) because the plan meets or exceeds open space requirements. Recreational open space has been designated.

The applicant should discuss sign details, including dimensions, to address compliance with Guideline 3.28 (Signage). The applicant should address Guideline 3.8 (Lighting) by providing lighting details, if available at this time.

Mobility / Transportation – The plan meets Guidelines 7.1 (Impact of Developments), 7.2 (Impact Mitigation), 7.3 (Transit-Supportive Development), 7.5 (Major Thoroughfare Plan- Right-of-Way Requirement), 7.6 (Access to Surrounding Land Uses), 7.9 (Dedication of Right-of-Way), 7.10 (Adequate Parking) and 7.16 (Unified Access and Circulation) because the plan meets APCD requirements, the plan was reviewed by TARC, the required right-of-way is being dedicated, a vehicular connection to adjoining property has been provided and the required parking is being provided. The plan meets Guideline 8.3 (Scenic Corridors and Parkways) because the required parkway buffers are being provided. The plan also meets guidelines 8.9 (Access), 8.10 (Sight Distances), and 8.11 (Internal Circulation)

Livability / Environment – The plan meets Guidelines 13.5 (Tree Canopy- Tree Preservation) and 13.7 (Scenic Roadways- protection) because the required landscaping and parkway buffers are being provided.

Technical Review

1. There is a proposed sign at the N. Beckley Station Rd. entrance. Sign details should be submitted.
2. Buildings 6 and 7 are not labeled to the property line or roadway.
3. Lighting details should be provided, if available.
4. Per Transportation and KTC review, a trip generation and distribution was submitted.
5. Per MSD review, the existing sewer easement in Lake Forest is shown on the plan. All other MSD comments have also been addressed.

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6. The Health Dept. has reviewed the plan and has no issues with the proposed development. Sanitary sewers will be provided and sewage will be treated at the Floyds Fork Waste Water Treatment Plant.
7. APCD reviewed the plan and determined that there were no negative air quality impacts exceeding national standards. A note has been added to the plan stating that mitigation measures such as dust suppression techniques will be in place during demolition and construction activities to prevent fugitive particulate emissions.
8. TARC reviewed the plan and has no transit-specific requests.

Standard of Review
STANDARD OF REVIEW

Criteria for granting the proposed rezoning:

1. The proposed rezoning complies with the applicable guidelines and policies Cornerstone 2020; **or**
Staff Finding: The proposed rezoning complies with the applicable guidelines as listed above under staff findings.
2. The existing zoning classification is inappropriate and the proposed classification is appropriate; **or**
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

Criteria for approving variance:

1. The proposed variance will not adversely affect the public health, safety or welfare; **and**
Staff Findings: The proposed variance will adversely affect the public health, safety and welfare because providing the required setback would provide more of a distance between the proposed residential structures and the streets.
2. The proposed variance will not alter the essential character of the general vicinity; **and**
Staff Findings: The proposed variance will alter the essential character of the general vicinity because of the number of units within the development facing the internal streets that encroach into the required yards.
3. The proposed variance will not cause a hazard or a nuisance to the public; **and**

Staff Findings: The proposed variance will cause a hazard or nuisance to the public because the proposed residential structures are located within the required front yards, too close to the internal streets.

4. The proposed variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

Staff Findings: The proposed variance will allow an unreasonable circumvention of the requirements of the zoning regulations because it appears to be possible to set the buildings back in order to observe the required yards. The applicant has not provided information to sufficiently demonstrate that it is not possible to observe the required yards.

In making these findings, you must consider whether:

- (a) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone;
- (b) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and
- (c) The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

Attached Documents / Information

None, refer to case file.

Notification

The following forms of notification were provided pertaining to this proposal:

| Date | Description | Recipients |
|-------------|---------------------------|---------------------------|
| 9/21/2006 | LD&T notice | APO & Neighborhood Groups |
| 9/21/2006 | Neighborhood Notification | Registered parties |
| 11/3/2006 | Public Hearing Notice | APO & Neighborhood Groups |

Standard Binding Elements (applicable to all cases of this type)

1. The development shall be in accordance with the approved district development plan and binding elements unless amended pursuant to the Land Development Code. Modifications to the binding element(s) shall be submitted to the Planning Commission or its designee for review and approval; any modifications not so referred shall not be valid.

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2. Use of the subject site shall be limited to multi-family and other uses permitted in the R-5A zoning district. There shall be no other use of the property unless prior approval is obtained from the Planning Commission or its designee. Notice of a request to amend this binding element shall be given in accordance with the Planning Commission's policies and procedures. The Planning Commission may require a public hearing on the request to amend this binding element.
3. The density of the development shall not exceed 5.9 dwelling units per acre.
4. Signs shall be in accordance with Chapter 8 of the LDC.
5. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
6. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
7. Prior to issuance of a permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit):
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer shall obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A minor plat shall be recorded creating the property lines per the development plan and dedicating right-of-way to N. Beckley Station and Shelbyville Roads.
8. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.

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9. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
10. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the May 25 LD&T meeting.
11. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained there after. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.
12. Street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.

Proposed Binding Elements (unique to this case)

To Be Determined

All binding elements and/or conditions of approval stated in this report are accepted in total without exception by the entity requesting approval of this (these) development item(s).

Name

Title

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